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FILED

Aug 22 2022

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CELIA NIPPER,

Defendant.

CASE NO. 16-CR-0043 HSG

MODIFIED WRIT OF EXECUTION

[Property Address: 14577 Camenzind Ct., Chico, CA
95973]

TO: THE UNITED STATES MARSHAL:

Celia Nipper, Debtor, is indebted to the United States in the amount of \$2,588,699.27, plus post-judgment interest of 2.31%, as of August 10, 2022, on account of an amended criminal judgment entered on May 8, 2018, in the United States District Court for the Northern District of California in the above-captioned matter. The United States also seeks the ten percent (10%) litigation surcharge of the unpaid restitution (\$258,869.93) authorized pursuant to 28 U.S.C. § 3011(a). Thus, the total amount sought by this writ is \$2,847,569.20. Celia Nipper's last known address is 2601 Wisteria Way Concord, CA 94519.

MODIFIED WRIT OF EXECUTION
CASE NO: 16-CR-0043 HSG

1 YOU ARE HEREBY COMMANDED to proceed without delay to satisfy the judgment by
2 levying on and selling property in which the defendant has a substantial nonexempt interest, but not to
3 exceed property reasonably equivalent in value to the aggregate amount of the judgment, costs, and
4 interests, and by executing upon property of the defendant including, but not limited to Celia Nipper's
5 interest in real property held in legal title in the name of Kasey Nipper as Celia Nipper's nominee and
6 located at:

7 **Assessor's Parcel Number 047-220-100**
8 **and commonly known as**
9 **14577 Camenzind Court**
10 **Chico, CA 95973**
11 **(the "Subject Property")**

12 28 U.S.C. § 3203(c)(2)(B).

13 You shall conduct the execution sale in a commercially reasonable manner pursuant to 28 U.S.C.
14 § 3203(g), as modified herein, and the Federal Debt Collection Procedures Act, 28 U.S.C. § 3001 et
15 seq., and you shall distribute the sale proceeds pursuant to 28 U.S.C. § 3203(h) and the Federal Debt
16 Collection Procedures Act, 28 U.S.C. § 3001 et seq.

17 In performing the levy, you may use reasonable force to enter any property owned, occupied, or
18 controlled by the Debtor, including the Debtor's residence, and take possession of the Subject Property,
19 if you are unable to enter by contacting occupant Kasey Nipper, through her counsel, Brendan Hickey
20 with 48 hours notice.

21 You shall levy real property by entering the property and posting the writ and notice of levy in a
22 conspicuous place upon the property.

23 You are not required to levy upon property previously levied upon by the USMS pursuant to the
24 writ of execution issued on March 8, 2022.

25 You shall file a copy of the notice of levy in the same manner in which a notice of tax lien would
26 be filed under paragraphs (1) and (2) of section 6323(f) of the Internal Revenue Code of 1986. You
27 shall also serve a copy of the writ and notice of levy on the defendant against whom the writ was issued
28 and the person who has possession of the property subject to the writ in the same manner that a

summons is served in a civil action and make the return thereof within 150 days of the issuance of this writ, in accordance with 28 U.S.C. §§ 3203(d)(1) and 3102(d), as modified by the Court pursuant to 28 U.S.C. § 3013. Pursuant to 28 U.S.C. § 3201(f), which incorporates the sales procedures outlined in 28 U.S.C. § 2001, which, in turn, allows the Court to deviate from the default method of sale on the courthouse steps, you are authorized, to sell the Subject Property utilizing the national real property vendor contracted by the United States Marshals service for the sale of forfeited property. Such a sale shall be commercially reasonable and will include the use of a local real estate broker, listing of the Subject Property in the regional multiple listing service, setting the listing price at a predetermined percentage of determined value, and regular adjustments to meet market conditions. You may use your best judgment in selecting an offer, taking into account not just the price, but also the timing of the closing and the likelihood that the offer will be able to close the transaction on time. Further, you may cancel contracts and retain any earnest money deposit pursuant to the terms of the contract. Any such earnest money deposit so retained, shall be added to the net proceeds of sale turned over to the Clerk of the Court. You are further authorized to contract with vendors to appraise, auction, sell, store, or otherwise dispose of the personal property contents remaining upon the occupants' vacating the property, separately from the Subject Property if doing so will yield additional proceeds to satisfy the writ amount.

You are authorized to sell the property after the expiration of the 30-day period beginning on the date of the levy.

From the gross proceeds of the sale of the Subject Property you may deduct at closing all costs and expenses of the United States Marshals Service in maintaining and disposing of the Subject Property, including all commissions, and fees of contractors. You may next pay from the gross proceeds of the sale all taxes, recording fees, liens, mortgages, and utilities and such other expenses as are customarily paid at closing. The net proceeds of sale shall, thereafter, be distributed pursuant to 28 U.S.C. § 3203(h).

You shall endorse, in the space provided below, the exact hour and date of receipt of this writ of execution. You shall make a written record of every levy, specify the property on which levy is made,

the date on which levy is made, and your costs, expenses, and fees.

You shall further make a written return to the Court on each writ of execution stating concisely what was done pursuant to the writ, and to deliver a copy thereof to the United States Attorney who requested the writ. The writ shall be returned not more than 150 days after the date of issuance if levy is not made, or if levy is made, then the writ shall be returned not more than 10 days after the date of sale of property on which levy is made.

ISSUED on the 22nd day of August, 2022

MARK B. BUSBY
Clerk of the Court
United States District Court
for the Northern District of California

By: _____

Deputy Clerk



Mark B. Busby

Cynthia J. Lonahan

U.S. Marshal's Endorsement

(28 U.S.C. § 3203(d)(3)(A))

Date Writ Received: _____

Time Writ Received: _____

Signature of Authorized
Deputy U.S. Marshal:

(Signature)

(Type or print name)